

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiffs,

v.

HTC CORPORATION, and HTC AMERICA,
INC.,

Defendants.

Case No.: 2:17-cv-00932-JLR

**DECLARATION OF MATT BERKOWITZ
IN SUPPORT OF
STMICROELECTRONICS, INC.'S
MOTION TO DISMISS PURSUANT TO
RULE 12(b)(6)**

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

STMICROELECTRONICS N.V.,
STMICROELECTRONICS, INC., and CYWEE
MOTION GROUP LTD.,

Third-Party Defendants.

1 I, Matt Berkowitz, declare as follows,

2 1. I am a partner at the law firm of Shearman & Sterling LLP, counsel for Defendant
3 STMicroelectronics, Inc. ("ST Inc."). I am a member in good standing of the Bar of the State of
4 New York and the Bar of the State of California and have been admitted *pro hac* vice in this
5 above-referenced action. I make this declaration based on personal knowledge and, if called as a
6 witness, I could and would testify competently to the matters set forth herein. I make this
7 declaration in support of ST Inc.'s Motion to Dismiss Pursuant to Rule 12(b)(6) of the Federal
8 Rules of Civil Procedure.

9 2. Attached as Exhibit A hereto is a letter dated October 2, 2017 from Owais Siddiqui
10 addressed to Gregoire Barry Delongchamps, Esq. and Andrew Mayo, Esq., as well as a purchase
11 order dated July 28, 2017, which was the only purchase order included with the letter.

12 3. Attached as Exhibit B hereto are plaintiff CyWee Group Ltd.'s infringement
13 contentions, as well as Exhibit 1 thereto, in the form that they were provided to ST Inc.

14 I declare under the penalty of perjury under the laws of the United States that the foregoing
15 is true and correct.

16 Executed this 26th day of March, 2018, in Menlo Park, CA.

17 s/ Matt Berkowitz

18 Matt Berkowitz
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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2018, I filed the foregoing with the Clerk of the Court using the CM/ECF system, and served all parties via ECF.

Dated: March 26, 2018

s/ Matt Berkowitz
Matt Berkowitz